

MAINE STATE LEGISLATURE

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REP. DAN A. GWADOSKY
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR



Lynn Randall
Legislative Council Info.

STATE OF MAINE

116th LEGISLATURE

LEGISLATIVE COUNCIL

DONALD E. ESTY, JR.
JAMELA L. CAHILL
BEVERLY MINER BUSTIN
SEN. DAVID L. CARPENTER
REP. JOHN L. MARTIN
REP. WALTER E. WHITCOMB
REP. PATRICK E. PARADIS
REP. STEPHEN M. ZIRNKILTON

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

May 19, 1993

MEETING SUMMARY

Approved May 27, 1993

CALL TO ORDER

The Chair, Representative Gwadosky, called the Council to order at 11:36 a.m. in the Speaker's Office.

ROLL CALL

Senators:

Sen. Dutremble, Sen. Esty, Sen. Cahill,
Sen. Bustin, Sen. Carpenter

Representatives:

Speaker Martin, Rep. Gwadosky,
Rep. Whitcomb, Rep. Paradis,
Rep. Zirnkilton

Legislative Officers:

Sally Tubbesing, Executive Director
Lynn Randall, State Law Librarian
John Wakefield, Director, Office of
Fiscal and Program Review
Martha Freeman, Director, Office of
Policy and Legal Analysis
David Kennedy, Revisor of Statutes
Richard N. Sawyer, Jr., Administrative
Services Director
Joy O'Brien, Secretary of the Senate
Joseph Mayo, Clerk of the House

SECRETARY'S REPORT

The Summary of the May 11, 1993, meeting was approved and placed on file. (Motion by Sen. Dutremble; second by Sen. Carpenter; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing presented the following items for the Council's consideration:

Item #1: State House Fence: Status Report

Ms. Tubbesing reported that, since the last Council meeting, she had contacted Ron Cross, a local artist, who specializes in iron work and to whom she had been referred by the Director of the Historic Preservation Commission. Mr. Cross has looked at the fence and is in the process of getting cost estimates to replace the missing pieces of the fence. Ms. Tubbesing agreed to provide a full report to the Council as soon as she had received the additional information.

No Council action was required.

Item #2: History & Final Disposition: Clarification regarding Sponsor Listing

Ms. Tubbesing requested clarification from the Council regarding whether all cosponsors should be included in the listing for each bill in the "History and Final Disposition" report, which is one of the post-session publications. Council members agreed that all cosponsors should be included.

No formal vote was taken.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Rep. Gwadosky, Committee Chair, reported that the NCSL Classification study, which the Council had authorized at its previous meeting, is formally underway. Diane Chaffin and Chris Wnuk arrived on Monday to begin work. They met briefly with the Personnel Committee on Monday morning and are in the process of interviewing many of the session employees who are the focus of the study.

Sally Tubbesing noted that, in addition to her role as a member of the project team for this study, Chris Wnuk is Maine's official NCSL Liaison, and that her work for NCSL involves monitoring bills in Congress that include mandates to states. She encouraged Council members to contact Chris if they had questions either about NCSL in general or mandates in particular.

Legislative Budget Committee

This item was deferred until after all other Council business was completed; thus, the discussion is summarized below.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Need for Planting around the State House (request of Sen. Carpenter)

Sally Tubbesing noted that the Council had authorized the creation of a "Flower Fund" last year for the purpose of collecting donations to buy flowers to plant in the beds around the State House. This was not done until late June, after the Legislature had adjourned, so that legislative staff were the only donors. She reported that it would cost approximately \$500 to purchase plants for all of the beds and that the Bureau of General Services Grounds crew had volunteered to do the planting.

Motion: That the Council approve solicitation of donations for the purpose of buying plants for the flower beds on the State House grounds. (Motion by Speaker Martin; second by Sen. Carpenter; unanimous).

Item #2: Requests to Carry Bills Over to the Second Regular Session

In response to a question from Rep. Gwadosky, Ms. Tubbesing reported that the pending list included 85 requests and that the Council had previously approved 25 bills to be carried over to the Second Regular Session.

Speaker Martin expressed his view that there were too many bills being carried over and that the sole result would be to create an unmanageable workload in the Second Regular Session. After further discussion, the Council agreed to consider all requests in a single motion, with the exception of those requests that any member wished to set aside.

Motion: That the pending requests to carry bills over to the Second Regular Session, with the exception of the request from the Committee on State & Local Government regarding LD 1472, be approved. (Motion by Sen. Bustin; second by Sen. Dutremble; approved 6-1).

Motion: That the request from the Committee on State & Local Government to carry over L.D. 1472, An Act to Reorganize State Government, be tabled. (Motion by Sen. Dutremble; second by Sen. Bustin; unanimous).

Item #3: After Deadline Bill Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

REPORTS FROM COUNCIL COMMITTEES

Legislative Budget Committee

The Chair, Rep. Gwadosky, returned to this item on the agenda and deferred to Sen. Dutremble, Committee Chair. Senator Dutremble reported that because the Committee had had difficulty "assembling," he had taken it upon himself to develop a proposal for the Legislature's "A" budget for Council consideration. The "A" Budget reflects the Governor's proposed funding level for each department and would require cuts totalling \$7.412 million from the Legislature's original request for the FY 1994-1995 biennium. He stressed that he was presenting this proposal only because he believed that it was necessary for the Legislative Council to submit an "A" Budget to the Appropriations Committee as other committees have been required to do. He reminded Council members that the Governor's reduction target for the Legislature is derived from a different base funding than any other department and cautioned that the Legislature should be very careful about relinquishing its responsibility as a separate branch of government in the budget process. He then reviewed the specific elements of his proposal, pointing out that the proposed cuts would put an additional burden on every legislative office and that eliminating more positions puts the Legislature "in a very bad position." Rep. Gwadosky observed that the items in this proposal were those on which there appeared to be more consensus among the Committee members.

The Council discussion that ensued centered on the following points:

1. Governor's Target

Sen. Dutremble noted that both he and Rep. Gwadosky had met with the Commissioner of the Department of Administrative and Financial Services to discuss the rationale for the Legislature's target and had been told that these targets are usually negotiated before the printed budget is published. The target for other departments was based on the FY 93 appropriation for both years in the FY 94 - 95 biennium; however, the Legislature's target uses FY 92 actual expenditures, less 6%, plus FY 93 appropriation (excluding balance forward), less 6%. Rep. Gwadosky confirmed Sen. Dutremble's report of the conversations with the Commissioner.

Sen. Dutremble noted that the Legislature's "B" budget achieves "level funding", using FY 92 appropriation plus FY 93 appropriation, including FY 92 balance forward. He stated that the Legislature is the only department that has met, and in some cases exceeded, all of its prior reduction targets and pointed out that the Governor's target is less than "level funding".

Sen. Bustin stated that she was prepared to make hard cuts, but that "the issue of holding the legislative budget to a higher standard is something that needs to be dealt with."

2. Discussion of Specific Elements of the "A" Proposal

- The proposal applies an estimated balance forward of \$800,000 to the "A" target (which requires \$2.6 million in cuts beyond the \$4.9 million already cut in the "B" budget).

Sen. Dutremble reported that he would prefer to use the anticipated balance forward to make long-deferred and greatly needed repairs to the State House.

- The proposal would eliminate "Sentiments" and the positions that currently have primary responsibility for preparing and processing them (1 contract position in Revisor's Office and 1 session position in the Clerk's Office).

The Clerk, Joe Mayo, noted that elimination of this position would also require termination of the use of clergy, honorary pages and bands in the House, since the same person also makes all arrangements for these.

- The proposal would eliminate one half of the Page positions

Rep. Paradis noted that the loss of half the Pages, as well as the honorary pages, would slow the pace of activity in the House considerably. Rep. Mayo observed that the House would have to change the way it does many things; and Speaker Martin agreed, noting that members would no longer be able to rely on Pages to deliver messages, etc.

- The proposal would eliminate the Audit and Program Review Committee and 3 staff positions currently assigned to the Committee.

Sen. Esty inquired whether this decision would not more properly be considered by a restructuring committee, advocating broader participation in a decision of this nature. Sen. Bustin noted that the Audit Committee is the only statutory joint standing committee and that it should not be eliminated through a budget cut. Finally, Rep. Whitcomb pointed out that the last restructuring committee (Peat Marwick) said to either "beef it up or eliminate it."

- The proposal would reduce the number of each LD's printed from 1200 to 500, thus meeting internal distribution needs only.

Joe Mayo pointed out that this would eliminate the weekly mailing to all Town Clerks (at no charge) and eliminate the copies that are currently sold through subscriptions to the Legislative Documents Service, which will contribute approximately \$80,000 to the undedicated General Fund this year. Sen. Cahill advocated making the Document Service self-supporting so that it would not have to be eliminated; and Rep. Mayo responded that it already more than breaks even. Rep. Paradis, noting that he was not aware that Town Clerks received all LD's, opposed this practice.

- The proposal would eliminate one position in each legislative office.

Sen. Cahill stated that this would put her office at a severe disadvantage, noting that it would essentially cut her staff in half. Sen. Dutremble stressed that he did not endorse the proposal and reminded Council members that they have already committed to looking at all of the offices in terms of both function and staffing this summer. Speaker Martin also stressed that this proposal was no reflection on the staff offices. Rep. Whitcomb argued that if the Legislature has to live within the "A" budget, there are other places to cut as an alternative to some of the proposed staff cuts, such as out-of-state travel.

Motion: That the Chair of the Budget Committee, Sen. Dutremble, present the "A" budget to the Appropriations Committee on behalf of the Council. (Motion by Speaker Martin; second by Rep. Paradis).

Discussion: In response to a question from Rep. Whitcomb about whether the proposal met the target, Sally Tubbesing responded that it actually exceeded the target by approximately \$150,000.

The motion was approved 6-3.

Following the vote, Sen. Esty expressed concern that the Budget Committee had not presented a unanimous report to the full Council. He indicated that he was not opposed to making more cuts or more savings, but that when such decisions were made, it is essential that the Council look at the whole picture and that members exercise their role as the elected leaders of the Legislature.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 12:36 p.m., on the motion of Sen. Dutremble (seconded by Sen. Cahill).